

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

96 WYTHE ACQUISITION LLC,

Debtor.

Chapter 11

Case No.: 21-22108 (RDD)

THIRD AMENDED CONFIRMATION SCHEDULING ORDER

In light of the rescheduling of the hearing to consider confirmation of the Third Amended Chapter 11 Plan of Reorganization of 96 Wythe Acquisition LLC [Docket No. 196] (the “Plan”) from February 15, 2022 to March 8, 2022, it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. The following schedule shall govern proceedings relating to confirmation of the Plan, which shall and hereby does supersede the schedule as provided for under the Court’s Order (the “Confirmation Scheduling Order”) entered on December 1, 2021 approving the Debtor’ Third Amended Disclosure Statement and setting down scheduling and deadlines for Confirmation:

Event	Date and Time (prevailing Eastern Time), as applicable
Voting Record Date	November 5, 2021
Disclosure Statement Hearing	November 5, 2021, at 10:00 a.m.
Notice of Confirmation Hearing	December 2, 2021
Solicitation Date	December 2, 2021
Claims Objection Deadline	<u>January 6, 2022</u> for a Claim filed by the Bar Date or <u>January 21, 2022</u> for a Claim filed by the Supplemental Bar Date (as applicable, the “ <u>Claims Objection Deadline</u> ”)
Plan Objection Deadline	<u>January 13, 2021</u> [except BSP, deadline <u>1/17</u>]

Bankruptcy Rule 3018 Motion Deadline	<u>January 20, 2022</u> for a Claim filed by the Bar Date or <u>February 10, 2022</u> for a Claim filed by the Supplemental Bar Date
Deadline for BSP to File Supplemental Objection (Based Solely on the Examiner's Report), If Any	<u>February 18, 2022</u>
Voting Deadline	<u>February 22, 2022, at 4:00 p.m.</u>
Opt Out Deadline	<u>February 22, 2022, at 4:00 p.m.</u>
Deadline To File Voting Report	<u>February 25, 2022</u>
Deadline to File Response to Plan Objections	<u>February 14, 2022</u>
Deadline to File Response to BSP's Supplemental Objection, If Any	<u>February 25, 2022</u>
Deadline for the Debtor to File Confirmation Brief, If Any	<u>February 22, 2022</u>
Deadline for BSP to File Sur-reply to Debtor's Response to Plan Objection	<u>February 25, 2022</u>
Deadline to File Sur-reply to Response to BSP's Supplemental Objection, If Any	<u>March 1, 2022</u>
Deadline for BSP to File Response to Confirmation Brief, If Any	<u>March 1, 2022</u>
Confirmation Hearing Date	<u>March 8, 2022, at 10:00 a.m.</u>

2. Nothing herein shall prejudice the Debtor's rights to amend the Plan or any Plan Supplement or any party's rights pursuant to the *Order (I) Approving the Third Amended Disclosure Statement, (II) Approving Solicitation and Notice Materials, (III) Approving Forms of Ballots, (IV) Establishing Solicitation and Voting Procedures, (V) Establishing Procedures For Allowing Certain Claims For Voting Purposes, (VI) Scheduling a Confirmation Hearing, and (VII) Establishing Notice and Objection Procedures.* Unless otherwise provided for herein, the Confirmation Scheduling Order shall remain in full force and effect.

3. The Confirmation Hearing shall be held at **10:00 a.m. (prevailing Eastern Time) on March 8, 2022**, or as soon thereafter as the parties may be heard, subject to the availability of the Court.¹ The Confirmation Hearing may be continued from time to time by the Court or the Debtor without further notice other than adjournments being announced in open court or through a filing of a notice of adjournment on the Court's docket.

4. Objections to confirmation of the Plan or proposed modifications to the Plan, if any, must (i) be in writing, (ii) conform to the Bankruptcy Rules and the Local Rules, (iii) state the name and address of the objecting party and the amount and nature of such party's Claim or Interest, (iv) state with particularity the basis and nature of any objection(s) to the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection, and (v) be filed, together with proof of service, with the Court electronically and served on the parties listed in the Confirmation Hearing Notice, with a copy to the Court's chambers, in each case so as to be actually received on or before **4:00 p.m. (prevailing Eastern Time) on January 13, 2022 except as otherwise provided above or ordered by the Court**. Objections to confirmation of the Plan not timely filed and served in the manner set forth above may not be considered and may be overruled.

5. The Debtor is authorized to take or refrain from taking any action necessary or appropriate to implement the terms of and the relief granted in this Order without seeking further order of the Court.

6. The Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Confirmation Scheduling Order.

¹ Unless notice otherwise is given, the Confirmation Hearing will be held remotely via Zoom®. Participants are required to register their appearance by 4:00 PM the day before any scheduled Zoom® hearing at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>.

7. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Confirmation Scheduling Order.

Dated: January 28, 2022
White Plains, New York

/s/Robert D. Drain

THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE